

REMARKS

The Office Action dated March 27, 2001 has been received and carefully considered. In response, the Examiner has helpfully pointed out certain informalities which have been addressed by this amendment. However, Applicants respectfully submit that claims 1-31, 48-50, 52-61, and new claims 62-82 patentably distinguish from the cited references and are allowable.

The Examiner acknowledges that claims 1-31, 48-50 and 52-61 are all directed to an undercarriage for a welder or power supply and are, therefore, drawn to the same distinct species and have been maintained and examined.

Claims 3-4, 6, 8, 10, 12, 14-15, 17-18, 20-21, 23, 25, 27-28, and 30-31 were objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claims 3 and 4 to recite a ratio of the rear wheel to the front wheel which is between 1:1 to 2.5:1. This limitation further limits independent claim 1 in that the "between" language of claims 3 and 4 conforms to the "greater than" language in line 5 of claim 1. Applicants submit that claims 6, 8, 10, 12, 14-15, 17-18, 20-21, 23, 25, 27-28, and 30-31 are dependent from claims 3 or 4 and further limit the subject matter thereof. Accordingly, Applicants respectfully request this objection be withdrawn.

Claims 29-30, 48-50 and 52-61 were rejected under 35 U.S.C. §112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Again, the Examiner has helpfully pointed out certain informalities which have been addressed by the amendments to claims 29-31 and 48-50. Accordingly, Applicants respectfully request this objection be withdrawn.

Claims 1-18 and 22-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Karpoff 5,730,891 in view of Sueshinge 6,129,166 and Magda 4,926,768. "It is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes". Hockerson-Halberstadt, Inc. v. Avia Group International, Inc., 55 USPQ2d 1487, 1491 (CAFC 2000), citing In re Wright, 193 USPQ 332,335 (CCPA 1977); Section 2125 MPEP. The Examiner rejected claims 1 and 3 based upon a reference to Figure 1 of Karpoff. Claim 1 recites front and rear axles which are spaced apart along the longitudinal axis of the base less than about three times the sum of the radii of the front and rear wheels. Applicants submit the cited references fail to disclose, suggest or make obvious the recited spacing of the axles of claim 1. Figure 1 of Karpoff does not disclose such a spacing. Further, it is improper to reference a patent drawing for such a premise. Id. Accordingly, Applicants respectfully submit that claim 1 patentably distinguishes from the cited references and is allowable.

Claims 2-18 and 22-31 are dependent from independent claim 1 and are allowable for at least the reasons described above for independent claim 1. With respect to the statements made by the Examiner, Applicants submit that in view of the dependency on claim 1, Applicants are not going to address each comment individually since the allowability of claim 1 makes the statements moot.

Claims 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Karpoff in view of Sueshinge and Magda and further in view of Momberg 4,062,430. Applicants submit that claims 19-21 are dependent from independent claim 1 and are allowable for the same reasons. With respect to the statements, Applicants are not addressing each objection individually due to claims 19-21 being dependent from independent claim 1 which is deemed allowable.

Claims 48-50, 52, 54, and 56-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Karpoff in view of Magda. Claim 48, as amended, recites front and rear axes which are spaced apart along the longitudinal axis of the base less than about three times the sum of the radii of the front and rear wheels. Applicants submit the cited references fail to disclose, suggest or make obvious the recited spacing of the axes of claim 48. Figure 1 of Karpoff does not disclose such spacing. Further, it is improper to reference a patent drawing for such a premise. *Id.* Accordingly, Applicants respectfully submit that claim 48 patentably distinguishes from the cited references and are allowable.

Claims 49, 50, 52, 54, 56, and 57 are dependent from independent claim 48 and are allowable for at least the reasons described above for independent claim 48. With respect to the statements made by the Examiner, Applicants submit that in view of the dependency on claim 48, Applicants are not going to address each comment individually since the allowability of claim 48 makes the statements moot.

Claims 53, 55 and 58-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Karpoff in view of Magda and further in view Shueshinge. Applicants submit that claims 53, 55 and 58-60 are dependent from independent claim 48 and are allowable for the same reasons as set forth with respect to claim 1. With respect to the statements, again Applicants are not addressing each individually due to claims 53, 55 and 58-60 being dependent from independent claim 48 which is deemed allowable.

New claims 62-82 have been added for consideration. Claims 62-73 are dependent from claim 1 or claim 48 discussed above and are believed to be allowable for at least the same reasons. New independent claim 74 recites axles which are spaced less than about 2 times the sum of the radii

of the front and rear wheels, which is not disclosed, suggested or made obvious by the cited references. Accordingly, claim 74 is deemed allowable. Claims 75-82 are dependent from claim 74 and patentably distinguish from the cited references for at least the same reasons as independent claim 74.

In conclusion, Applicants respectfully submit that independent claims 1, 48 and 74 patentably distinguish from the cited references and are allowable. It is well settled law that patent drawings do not define precise proportion of the elements in the drawing, and, therefore, the figures of the cited references cannot disclose, suggest or make obvious the limitations of claims 1, 48 and 74. Even if the figures could be scaled, which is improper, they do not disclose, suggest or make obvious the recited undercarriage of this application. The remaining claims, 2-31, 49, 50, 52-61 and 62-82 are dependent from claims 1, 48 or 74 and are allowable for at least the same reasons. With respect to the comments by the Examiner relating to the dependent claims, claims 1 and 48 are deemed allowable; therefore, the arguments regarding the dependent claims are moot. Accordingly, reconsideration and allowance is respectfully requested.

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

3. (Amended) The undercarriage as defined in claim 1, wherein the ratio of said rear wheel radius to said front wheel radius is [about] between 1:1 to 2.5:1.

4. (Amended) The undercarriage as defined in claim 2, wherein the ratio of said rear wheel radius to said front wheel radius is [about] between 1:1 to 2.5:1.

29. (Amended) The undercarriage as defined in claim 1, wherein said base is rearwardly rotatable [moveable] about said rear wheels between a fully tilted position and a non-tilted position, said center of gravity of said welder and/or power supply lying on or forwardly of said rear axle and rearwardly of said front axle when said base is in said fully tilted position.

30. (Amended) The undercarriage as defined in claim 4, wherein said base is rearwardly rotatable [moveable] about said rear wheels between a fully tilted position and a non-tilted position, said center of gravity of said welder and/or power supply lying on or forwardly of said rear axle and rearwardly of said front axle when said base is in said fully tilted position.

31. (Amended) The undercarriage as defined in claim 28, wherein said base is rearwardly rotatable [moveable] about said rear wheels between a fully tilted position and a non-tilted position, said center of gravity of said welder and/or power supply lying on or forwardly of said rear axle and rearwardly of said front axle when said base is in said fully tilted position.

48. (Twice Amended) A moveable undercarriage for supporting and moving welder or power supply over a ground surface comprising a base structure, at least one front wheel rotatably secured to said base, at least one rear wheel rotatable secured to said base, and a push bar secured to said base, said rear wheel having a radius that is equal to or greater than a radius of said front wheel, [the axles of said front and rear wheel] said at least one front wheel and said at least one rear wheel rotating about axes positioned on said base such that a center of gravity of the [equipment] welder or power supply lies on or between said [axles] axes, said axes [axles of front and rear] being spaced apart along the longitudinal axis of said base so that the spacing is less than about 3 times the sum of the radii of said front and rear wheels.

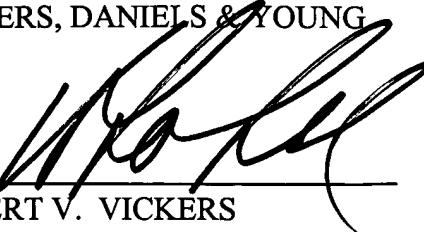
49. (Amended) The undercarriage as defined in claim 48, wherein said [equipment] welder or power supply is positioned in said base.

50. (Amended) The undercarriage as defined in claim 49, wherein said [equipment] welder or power supply is secured to said base.

56. (Amended) The undercarriage as defined in claim 48, wherein the spacing between said [axles] axes of said front and rear wheels is between about 1.0-1.5 times the sum of the radii of said front and rear wheels.

Respectfully submitted,

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